

**REMARKS**

Applicant has amended independent claims 50 and 53 to recite that the buffer overrun prevention logic tag bits are stored with the data bits in the buffer and indicate that the overrun words are to be aborted. Support is found in the specification at least at page 36, lines 1-14. Applicant submits that the references cited by the examiner do not disclose all the limitations recited by amended claims 50 and 53 and operate in a significantly different manner compared to the claimed invention.

For example, while Bennett discloses “receive memories 432, 434, 436 and 438” which each comprise a set of sixteen memory buffers, only memory buffer 0 is reserved for overflow. (See, Bennett, Col. 5: Lns. 49-65). Moreover, the memory buffers each have a maximum storage capacity of two kbytes. (see Bennett, Col. 5: Lns. 60-61) Thus, Bennett’s overflow memory buffer provides a finite bucket for preventing an overflow on a frame by frame basis. Moreover, as a result of the limited storage capacity, Bennett’s overflow memory buffer can also be exceeded by a single frame larger than 2 kbyte. Specifically, as a result of the limited storage capacity, Bennett’s memory buffers have both a **temporal** and a **size** limitation for buffering overrun frames which can result in an overwrite situation. *Conversely*, Applicant’s FIFO Overrun Prevention Logic handles situations where the back end of a frame overruns the FIFO as well as situations where multiple frames overrun the FIFO. (see specification, pg. 37, lns. 5-20)

Neither does Gulick disclose all the limitations recited by amended claims 50 and 53. Gulick discloses that when the FIFO buffer is full, the packet is terminated and 'the last byte in the FIFO is tagged as the last byte in the packet.' (see Gulick, Col. 30: Lns. 34-39). Gulick further discloses that in addition, “status is latched - including the Overrun condition indicator - for delayed reporting.” (see Gulick, Col. 30: Lns. 36-37) Thus, in Gulick tagging the last byte in the FIFO only serves to

indicate that this is now the end of packet. A separate out of band indicator is required to signal the overrun condition, which is inefficient and impossible to achieve at Fibre Channel speeds. Conversely, Applicant discloses setting the tag bits on the bytes sent after the FIFO is full to an illegal value which both signals the overrun condition and signals to abort the frame downstream. (see specification, pg. 37, lns. 15-20) Moreover, Gulick's out of band signal apparatus is for a single frame and is incapable of indicating a variable number of overrun frames. Applicant's invention is not restricted to the number of bad packets since the indication is stored in the buffer.

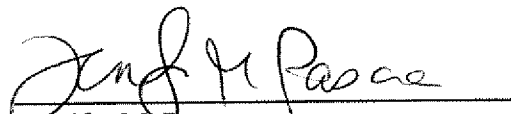
Therefore, Applicants submit that neither Bennett nor Gulick disclose the limitations recited in amended claims 50 and 53. Moreover, the deficiencies of Bennett and Gulick can not be filled in by the third and fourth references. Accordingly, Applicants respectfully request reconsideration. In the event that further discussion is required, Applicant would request that the undersigned be contacted such that we can arrange a telephonic interview with the inventor.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 6/27/08

By:

  
Jennifer M. Pascua  
Reg. No. 56,489  
Attorney for Applicant

JMP/cbp

34263

2840614.1